

GRJH, Inc.
PO Box 728
Sharon, CT 06069

Re: Dolly Madison Country Store
Route 113
Madison, NH

**NOTICE OF PROPOSED
ADMINISTRATIVE FINE
AND HEARING
No. AF 01-025**

April 23, 2001

I. Introduction

This Notice of Proposed Administrative Fine and This Notice of Proposed Administrative Fine and Environmental Services, Waste Environmental Services, Waste Management to RSA 146-C:10-a and Env-C 601.05. The Division is proposing that a fine totaling \$1,800 be imposed against GRJH, Inc. for the violation imposed against GRJH, Inc. **procedural information. Please read the entire notice carefully.**

II. Parties

1.1. T1. The Department of Environmental Services, Waste Management Division, 1. The administrativeadministrativeadministrative agency of administrative agency of the State of New Hampshire, Drive, Concord, NH.

2.2. GRJH, Inc. is a New Hampshire corporation. GRJH, Inc. is a New Hampshire corporation having Sharon, Sharon, CT 06069. GRJH, Inc. is the successor in interest to Peterson Pet Sharon, CT 06069. Hampshire.

III. Summary of Facts and Law Supporting Claim(s)

1.1. RSA 146-C authorizes the Department of 1. RSA 146-C authorizes the Department of Environmental Management to regulate underground storage tank (UST) facilities. Pursuant to RSA 146-C:9, the Commissioner of DESDES has adopted rules to implement this regulatory program (Env-Wm 1401DES has adopted rules to implement this regulatory program (Env-Wm 1401, 1997, which superceded Env-Ws 411 effective September 17, 1985 and Env-Ws 411 effective November 2, 1990 through April 21, 1997).

2.2. RSA 146-C:10-a authorizes the Commissioner of DES to2. RSA 146-C:10-a authorizes the Commis
to \$2,000 per offense for violations of RSA 146-C, including any rule adopted pursuant thereto.
PursuantPursuant to RSA 146-C:10-a, I, the Commissioner has adopted Env-C 607 to ePursuant to RSA
schedule of fines for such violations.

3.3. GRJH, Inc. is the owner of two 3. GRJH, Inc. is the owner of two ga3. GRJH, Inc. is the owner of
Route 113, Madison, NH further identified as UST #0-114529 (the Facility).

If GRJH, Inc. wishes to have a hearing but is unable to attend the hearing as scheduled, GRJH, Inc. must notify Mr. Ballentine at least one week in advance of the hearing and request that an authorized representative attend the hearing. If GRJH, Inc. does not have an authorized representative attend the hearing, the hearing will be conducted anyway in accordance with Env-C 204.09.

VII. Determination of Liability for Administrative Fines

Pursuant to Env-C 601.09, in order for any fine to be proven, by a preponderance of the evidence, that the total amount of the fine sought is the appropriate amount, the rules. Proving something by a preponderance of the evidence means that it is **more likely than not** that the thing sought to be proved is true.

If the Division proves that GRJH, Inc. committed the violation and that the amount sought is the appropriate amount under the applicable rules, a fine will be imposed, subject to the following:

- * Pursuant to Env-C 601.09(c), the fine will be **reduced by 10%** for each of the circumstances listed below that GRJH, Inc. proves, by a preponderance of the evidence, in each case:

1.1. The violation was a one-time or non-continuing violation, **and** GRJH, Inc. did not know about the requirement when the violation occurred, **and** the violation has not reoccurred as of the time of the hearing, **and** GRJH, Inc. did not benefit financially from the violation.

2.2. At the time the violations were committed, GRJH, Inc. was making every effort to comply with the requirement that was violated.

3.3. GRJH, Inc. has no history of non-compliance with the statutes or rules implemented by DES or with any permit issued by DES or contract entered into with DES.

4.4. Other information exists which is favorable to GRJH, Inc. at the time the fine was proposed.

*****IMPORTANT NOTICE*****


The hearing that has been scheduled is **open to the public** and will be tape recorded, and all witnesses will testify under oath or affirmation. At the hearing, the Division will present testimony that GRJH, Inc. committed the violation alleged above and that the fine should be imposed. **GRJH, Inc. has the opportunity to present its case and defend itself at the hearing.**

imposed, imposed, or that the fine sought should be reduced. If GRJH, Inc. believes evidence, such as photographs, business records or Inc. believes show that GRJH, Inc. did not commit the violation(s) or that

otherwise support GRJH, Inc. the hearing. GRJH, Inc. may also bring witnesses (other people) the hearing. GRJH, Inc. testify on GRJH, Inc. s behalf.

If GRJH, Inc. wishes to have an informal meeting, Inc. must contact Mr. Ballentine at (603) 271-6072 to request a conference.

Information regarding this proposed fine may be made available to the public via the DES webpage (www.state.nh.us/des). If GRJH, Inc. has any questions, contact James Ballentine, DES Enforcement Paralegal, at (603) 271-6072.


COPY
Philip J. O'Brien, Ph.D., Director
Waste Management Division

Enclosure (*NHDES Fact Sheet #CO-2 2000*)

cc: Gretchen Rule, DES Enforcement Coordinator
Susan Alexant, DES Hearings and Rules Attorney
Thomas R. Beaulieu, Chief
Lynn A. Woodard, P.E., Supervisor

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APPEARANCE

_____ I/we will atte I/we will attend the hearing scheduled for **Monday, June 18, 2001 at 10:30 a.m. in Room C-110**
of the DES offices at **6 Hazen Drive** in Concord, NH.

Signature

Date

Name (please print or type): _____

Title:

WAIVER OF HEARING

I/we certify that I/we understand my/our right to _____ I/we certify that I/we understand my/our right to a
administrativeadministrative fine and that I/we hereby waive those rights. The finadministrative fine and that I/
\$1,800 paid to Treasurer, State of New Hampshire is enclosed.*

** If you pay by check, draft, or money order that* If you pay by check, draft, or money order that is returned due to in
RSARSA 6:11-a, DES may charge a fee in theRSA 6:11-a, DES may charge a fee in the amount RSA 6:11-a, DE
draft,draft, or money odraft, or money order or \$25draft, or money order or \$25.00, whichever is greater, plus all
collecting the amount of the original check draft, or money order.*

Signature

Date

Name (please print or type): _____

Title:

RETURN THIS PAGE ONLY TO:

James Ballentine, DES Enforcement Paralegal
Department of Environmental Services
6 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095